

DETAILED ACTION

This office is responsive to RCE filed on 05/28/2008. The Amendment has been entered. Claims 1-16 are pending.

Claim Objections

1. Claim 11 is objected to because of the following informalities:

In claim 11, the phrase "the wireless LAN access points "lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1, 2, 9, 10 and 13 are rejected under 35 U.S.C. 102(a) as being anticipated by Neil Stuart, The Benefit of Integrated Systems: A Case Study. Pages 1-7. Hereinafter referred to as Stuart.

Regarding claim 1, Stuart discloses providing network access to towers building (claimed providing network access to a commercial office building) comprising:

Providing latest fiber technology and integrated system to the towers including high speed, all the floors are linked by an optical fiber backbone, see page 1, left side

paragraph 1, and page 6 paragraph 2 titled Specific Network Requirements; (Claimed providing a high speed, integrated communications network that provides network connectivity throughout the commercial office building); integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph (Titled The solution) and paragraph on the right side (titled Approach to system design), (claimed integrating the communications network with other building systems and automating information technology services for "commercial office" building tenant related issues including management and maintenance of the network); enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, see page 1 , paragraph on the right side (titled Approach to system design), (claimed automating and centralizing network management and maintenance in a network manager); and assuring high bandwidth requests, see page 6, left side paragraph entitled Network Design, Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate

access to web browsing services (see page 2). (Claimed aggregating the network bandwidth needs of the commercial office building by purchasing bulk bandwidth from a bandwidth grid and providing the bulk bandwidth at a core switch connected to the communications network; and delivering the network bandwidth to commercial office building tenants as needed by dividing up the bulk bandwidth and distributing the divided up bulk bandwidth to a plurality of building switches connected to the core switch, the building switches capable of supplying the divided up bulk bandwidth to individual tenants).

Regarding claim 2, as discussed above, the communication network is a fiber optic.

Regarding claims 9 and 10, Stuart discloses centralized monitoring, and operation as well as building management, in addition to the system scalability, see page 1, right hand column). (The scalability feature in combination with the monitoring and management implicitly provides for the claimed automating further comprises documenting a change to the communications network, as in claim 9; and automating further comprises documenting an upgrade to the communications network, as in claim 10).

Regarding claim 13, Stuart discloses enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, within the proximity of the building. See page 1, paragraph on the right side (titled Approach to system design). (Claimed the network manager is an on-site network manager).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 5, 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart.

Regarding claim 4 and 5, Stuart discloses integrated IT and management system infrastructure offering a client a single-seated operation solution, paragraph titled: The Solution, page 1. Stuart further discloses centralized monitoring and operation see paragraph titled: Approach to System Design. Stuart doesn't specify tower occupants can report network issues and request service using a centralized web site (Claimed operates a central website from which building tenants can report network issues and request service (as in claim 4), or providing access to other tower services and amenities using the web site (as in claim 5).

However, Examiner had taken official notice that using a web site to report network issues and request service and or accessing any other service available is notoriously known in the art. Since official action is taken, it would have been obvious to a person of ordinary skill in the art, at the time of the invention to provide a web site for the occupants of Stuart towers in a known fashion. A person would recognize the need to provide a web site for various services as suggested by the nature of the centralized

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operation of Stuart, in addition to the Internet access availability of all the occupants which make the requests and access to various services over the Internet cheaper and easier to manage over traditional communication systems.

Regarding claim 12, Stuart discloses a system that has flexibility and ease of adding new system feature. Stuart does not specify the integrated system being an off-site integrated system. However, It would have been obvious to a person of skill in the art, at the time the invention was made to make the integrated management system at on off-site in lieu of an on site system. A person of skill in the art would do so by recognizing the ease of adding new system feature as suggested by Stuart, the new system feature can be a remote management system using the Internet. It is also advantageous to subcontract the administration operation and maintenance of Stuart system to a remote service administrator that are experts in the field of office/or building management.

Regarding claim 14, as indicated above with regard to parent claim, Stuart's benefit is to reduce cost and make more profit. Stuart is driven by reduction in cost such that it implicit to negotiate the bandwidth with an ISP (Internet Service Provider) in order to provide the shared ATM backbone among tenant and visitors of the tower as evidenced by the inherent desirability of the new visitors of avoiding the burdensome aspect they have to go through in establishing an Internet connection especially during short visits.

4. Claims 3, 6, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Cook, US 2004/0165545.

Regarding claim 3, Stuart while disclosing the communication network being a fiber optic network, it doesn't specify the communication network comprises a plurality of wireless LAN access points (as in claim 3 and 11).

Regarding claim 6, Stuart discloses providing network bandwidth access to towers building (claimed delivering network bandwidth as a utility to a commercial office building) comprising:

A process in which engineering and project management are joined to provide a wired connectivity to all floors of a towers building using high speed backbone fiber optic, see page 2, right-hand column, and page 6, paragraph titled Specific Network Requirement, (claimed coordinating the design and installation of a high speed fiber optics communications network that provides wired "and wireless" network connectivity throughout the facility); assuring high bandwidth users requests in highly dynamic and changing environment, see page 6, left side paragraph entitled Network Design, Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, (claimed the high speed fiber optics communications network comprising a backbone with a plurality of building switches connected to the backbone. Stuart also discloses integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph (Titled The solution) and paragraph on the

right side (titled Approach to system design) (Claimed automating information technology services for “commercial office building” tenant related issues including management and maintenance of the network); Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, Also purchasing bandwidth in bulk is inherent to Stuart, because one of Stuart’s benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (claimed obtaining network bandwidth in bulk to meet the bandwidth needs of all occupants of the facility by purchasing the network bandwidth from a bandwidth grid and providing the network bandwidth to the bulk core switch; delivering the network bandwidth to the occupants of the facility as needed dividing the network bandwidth and providing a portion of the network bandwidth to one of the plurality of building switches as needed); integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph, (claimed maintaining, managing and servicing the communications network).

While Stuart discloses the network provides for wired connections, it doesn’t specify providing wireless connection.

As to claims 3, 6 and 11, Cook discloses a communication network comprises a plurality of wireless LAN access points, the communication network being a fiber optic,

(as in claim 3), and the communication network provides wireless connection (as in claim 6). See paragraphs [0028]-[0029].

Therefore, it would have been obvious to a person of skill in the art, at the time the invention was made to provide the fiber optic backbone of Stuart with the wireless LAN access points as taught by Cook so that wireless access to the internet can be provided in the Stuart Towers. The advantage would be the capability and the convenience to browse the Internet from almost any location in and around Stuart's towers. Providing such wireless service would attract of more customers, resulting in more profits.

Regarding claim 7, Stuart doesn't specify the network bandwidth is sold to the occupants of the towers (claimed facility) with a built-in profit margin. However, it would have been obvious to a person of skill in the art, at the time the invention was made to provide bandwidth to the occupant of Stuart's towers with built-in profit margin. A person of skill in the art would be motivated to do so by recognizing the benefit of attracting more customers, while still making income from the provided bandwidth since the operation and maintenance cost of Stuart are drastically reduced by the Stuart integrated services. (Stuart, page 1, paragraph titled benefits).

Regarding claim 15, as indicated above with regard to parent claim, Stuart's benefit is to reduce cost and make more profit. Stuart is driven by reduction in cost such that it implicit to negotiate the bandwidth with an ISP (Internet Service Provider) in order to provide the shared ATM backbone among tenant and visitors of the tower as evidenced by the inherent desirability of the new visitors of avoiding the burdensome

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aspect they have to go through in establishing an Internet connection especially during short visits.

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuart in view of Cutrer et al, Building the FO Infrastructure, IEEE 1995, pages 13-17. Hereinafter referred to as Cutrer.

Regarding claim 8, Stuart discloses providing latest fiber technology and integrated system to the towers including high speed, all the floors are linked by an optical fiber backbone, see page 1, left side paragraph 1, and page 6 paragraph 2 tilted Specific Network Requirements. (Claimed an integrated data communications network for a commercial office building comprising: fiber optics network infrastructure and equipment connectivity throughout the building); the optical fiber backbone linking all the floors, see page 1, left side paragraph 1, and page 6 paragraph 2 tilted Specific Network Requirements. Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, Stuart, in addition, specify that any future upgrade to the optical fiber backbone and ATM switches do not adversely affect the operation of the system, because of scalability and modularity. Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, (claimed plurality of building switches coupled to the "single point of access" for delivering portions of the bandwidth to individual tenants); Also purchasing bandwidth in

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bulk is inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (Claimed a single point of access coupled to the fiber optics network infrastructure for provision of bandwidth by network service providers, a portion of said bandwidth purchased from a bandwidth grid); centralizing monitoring and operation of security, building management, and interactive multimedia applications, see page 1, paragraph on the right side (titled Approach to system design), (claimed automated and centralized network management and maintenance).

Regarding claim 16, Stuart discloses providing network access to towers building (claimed providing network access to a commercial office building) comprising:

Providing latest fiber technology and integrated system to the towers including high speed, all the floors are linked by an optical fiber backbone, see page 1, left side paragraph 1, and page 6 paragraph 2 titled Specific Network Requirements; (Claimed providing a high speed, integrated communications network via a high speed fiber optic communications network infrastructure and equipment that provides wired network that provides standards-based network connectivity throughout the commercial office building to the commercial office building tenants); integrating IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph (Titled The solution) and paragraph on the right side (titled Approach to system design), (claimed integrating the communications network with other building systems); enabling centralized monitoring and building management, (claimed centralizing network management and

maintenance in a network manager); enabling centralized operation of security, building management, and interactive multimedia applications, see page 1 , paragraph on the right side (titled Approach to system design), (claimed automating information technology services for commercial office building tenant related issues including management and maintenance of the network). Stuart further discloses

and assuring high bandwidth requests, see page 6, left side paragraph entitled Network Design, Stuart further discloses, (under section ATM backbone, page 5), ATM backbone that integrate voice, data and video services, the ATM backbone providing the basis for LAN (Local Area Network) interconnectivity, Stuart inherently provides purchasing bandwidth in bulk , because one of Stuart's benefit is to reduce cost and make more profit, also traveling business visitors have immediate access to web browsing services (see page 2). (Claimed aggregating the network bandwidth that is delivered to the commercial office building tenants as utilities to support needs of the commercial office building tenants by purchasing bulk bandwidth from a bandwidth grid and providing the bulk bandwidth at a core switch connected to the communications network), Stuart discloses the optical fiber backbone and ATM switches thus Stuart inherently provides a core switch because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, (Claimed delivering the network bandwidth to building tenants as needed by dividing up the bulk bandwidth and distributing the divided up bulk bandwidth to a plurality of building switches connected to the core switch, the building switches capable of supplying the

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divided up bulk bandwidth to individual tenants, and provisioning the integrated communications network to allocate network access and bandwidth);

Stuart further discloses key components to administer and manage advanced technology buildings, a) IT-network based on ATM and Gigabit Ethernet technology, and 2) Network Management, see page 4. (It is inherent to Stuart that network management inherently provided for different levels of security and access, as evidenced by the provisioning of video On Demand, E-Commerce. E-Commerce would require a higher security level than interactive TV for guest services), see page 6, left hand column. (Claimed partitioning the integrated communications network with different levels of security and access). Stuart further discloses a state of the art M-5 graphic workstations (using TCP/IP) as a personal command center to manage the entire the BMS, see page 5, paragraph titled Building Management System design. (Claimed monitoring the integrated communications network via a web based application).

As to claims 8 and 16:

Stuart doesn't specify providing wireless LAN access points configured to provide wireless network access coupled to the fiber optics network infrastructure configured to provide wireless network access throughout the building.

However, Cutrer discloses providing LAN wireless access coupled to a fiber optics network infrastructure configured to provide wireless network access throughout a building, See, figure 1 and page 14, paragraph titled Fiber Optic Backbone.

Therefore, it would have been obvious to a person of skill in the art, at the time the invention was made to provide the fiber optic backbone of Stuart with the wireless LAN access points as taught by Cutrer so that wireless access to the internet can be provided in the Stuart Towers. The advantage would be the capability and the convenience to browse the Internet from almost any location in and around Stuart's towers. Providing such wireless service would attract more customers, resulting in more profits.

Response to Arguments

6. Applicant's arguments filed on 05/28/2008 have been fully considered but they are not persuasive.

Applicants argue that Stuart does not disclose the following limitations presented in amended claim 1:

a) "automating information technology services for commercial office building tenant related issues including management and maintenance of the network;

b) aggregating the network bandwidth that is delivered to the commercial office building tenants as utilities to support needs of the commercial office building tenants".

Applicants also argue that Stuart Towers are different from the commercial office building because of the "*transient nature*" of the tenants... " *The transient nature of the tenants in a hotel office tower creates different issues relating to bandwidth/capacities and network issues that are inconsistent with that of a commercial building tenant*".

Emphasis added.

Examiner respectfully disagrees, the tower of Stuart is a commercial building, and the tenants do not have to be transient tenants. In addition, Applicants indicated in page 8 of the specification, paragraph [0022] that the term "building" may include other locations or facilities where multiple points of access to a high speed network is desired. Other examples include, without limitation, apartment buildings, hotels, malls, warehouses and industrial facilities". Emphasis added. Therefore, Examiner asserts that the Tower of Stuart reads on the claimed commercial office building.

As to the limitation a) above, Stuart discloses Integrating information technology IT and management system in which property management, telecommunications, security and multimedia applications are integrated, see page 1, left side paragraph (Titled The solution) and paragraph on the right side (titled Approach to system design), and enabling centralized monitoring and operation of security, building management, and interactive multimedia applications, see page 1, paragraph on the right side (titled Approach to system design). This teaching reads on the claimed *"automating information technology services for "commercial office" building tenant related issues including management and maintenance of the network"*.

As to the limitation b) above, Stuart discloses providing latest fiber technology and integrated system to the towers including high speed, **all the floors are linked by an optical fiber backbone** (see rejection above of claim 1), Stuart teaches the backbone uses ATM technology, the ATM backbone integrate voice, data and video

services, the ATM backbone providing the basis for LAN (Local Area Network) **interconnectivity** (i.e. switches are required for such interconnectivity). Therefore Stuart inherently provides for a core switching and floor switching because that is needed to switch the traffic among the plurality of the ATM switches (at individual floors) connected to the LAN, and purchasing bandwidth in bulk is also inherent to Stuart, because one of Stuart's benefit is to reduce cost and make more profit and provides for easy access to internet for the tenants of the tower. Therefore, the limitation b) above is met by the teaching of Stuart.

Applicants argue that independent claims 6 and 8 are allowable for the same reasons as in claim 1, and dependent claims 2, 9, 10 and 13 are allowable simply because they depend on respective independent claims 1, 6 and 8. Examiner respectfully disagrees, given the established prima facie case of obviousness toward these claims as demonstrated above.

As to claims 4, 5, 12, and 14, Applicants argue that these claims depend from base claims, and should be allowed. Examiner respectfully disagrees. Applicants did not adequately traverse the official notice. Therefore properly address the official notice, and therefore the common knowledge or well-known in the art statement is taken to be admitted prior art because Applicants failed to traverse the examiner's assertion of official notice. See MPEP 2144.03 C).

As to claims 3, 6, 11, 15, Applicants alleged that because of the dependency of these claims on respective claims 1 and 8 they are allowable. Examiner respectfully

disagrees. Claims 1 and 8 are not allowable as indicated in the rejections and argument above.

As to claim 8: Applicants further alleged that Stuart in view of Cuter does not anticipate claim 8.

Applicants alleged that there is no suggestion or motivation to combine Stuart and Cuter. Applicants alleged that *"there is no identified motivation for combining the references. Stuart and Cutrer address different problems. Stuart describes a total integrated IT and BMS system infrastructure that offers the client a single-seat operation solution. (see page 1, left side) Thus guest related systems, telecommunications, security and multimedia applications are no longer separate systems. (see page 1, right side). Cutrer on the other hand focuses on wireless radio systems. In the Cutrer system, the goal is to provide acceptable communications to mobile and spatially distributed users and not to integrate systems in a building. As a result there are fundamental differences on issues addressed by the two references. For example, Cutrer addresses the lack of uniform radio coverage in a network that can be severe in urban environments where buildings and other obstructions shadow the radio signals. (page 14) Stuart on the other hand addresses centralized monitoring and operation of security, building management, hotel operations and interactive multimedia applications. While both systems are linked by a fiber backbone the fiber backbone is simply the supportive link for achieving the goal of the systems in both references"*. Emphasis added.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case Cutrer discloses providing LAN wireless access coupled to a fiber optics network infrastructure configured to provide wireless network access throughout a building, See, figure 1 and page 14, paragraph titled Fiber Optic Backbone. The suggestion/motivation would be the provisioning of the fiber optic backbone of Stuart with the wireless LAN access points as taught by Cutrer so that wireless access to the internet can be provided in the Stuart Towers. The advantage would be the capability and the convenience to browse the Internet from almost any location in and around Stuart' s towers. Providing such wireless service would attract more customers, resulting in more profits

Applicants also alleged that there is no reasonable expectation of success, applicants stated that " *there is no explanation of why the combination of Stuart and Cutrer are likely to succeed in arriving at the claimed invention. ... Stuart and Cutrer address different problems. Accordingly, any combination of the disclosure of these two references would require a significant deviation from the primary purpose of the teachings of the references*". Emphasis added.

Examiner respectfully disagrees, a person of skill in the art could have pursued implementing the WLAN of Cutrer to provide tenants and visitors having wireless units to connect to the Internet while inside or around the Tower of Stuart. A skilled artisan could have pursued the known potential solutions of wireless Internet access with a reasonable expectation of success in the environment of Stuart using the WLAN teaching of Cutrer.

Examiner concludes that the rejection above is proper.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: See Form PTO 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AHMED ELALLAM whose telephone number is (571)272-3097. The examiner can normally be reached on 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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